Order No. SWL 15 LLA 79

Bangalore, dated the 20th/23rd January 1979

Whereas by State Government Order No. SWL 940 LLD 77, dated 17th December 1977 the Industrial dispute between the workmen and the management of National Silk Mills 4 and 5, Narayanasettypet, Bangalore–2 was referred to the Latour Court Bangalore for adjudication.

And whereas the Presiding Officer, Labour Court, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

M. C. GANGADHARA GUPTA,
Under Secretary to Government.
Social Welfare and Labour Deptt.

217—S. O. 1391

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute :—Industrial dispute between the workmen and the management of Mysore Asbestos Cement Products, Lakshmi Pipe Industries and Pipe Distributors, Mysore Road, Bangalore–26.

Award of the Presiding Officer, Labour Court, Bangalore, published.

Read the following papers :

1. Letter No. 1504/78–79, dated 4th December 1978 from Sri M. R. Mujumdar, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE

Dated this 4th day of December 1979

Present :

Shri M. R. Mujumdar, B.A., (Hons) LL. B.,

Presiding Officer

Reference No. 152 of 1976

First Party :—

The President, Mysore Asbestos Cement Products Employees Union, No. 24, Ist Cross, Opp. Tollgate, Mysore Road, Bangalore–26.

Vs.

Second Party —

The Management of Mysore Asbestos Cement Products, Lakshmi Pipe Industries and Pipe Distributors, Mysore Road, Bangalore-26.

Reference :—

Govt. order No. SWL 910 (2) LLD 76, dated 28th October 1976.

AWARD

1. In this Reference made under S. 10(1) (c) of the Industria Disputes Act, 1947, the points referred for adjudication are as under:—

"Whether the workmen of Mysore Asbestos Cement Products Lakshmi Pipe Industries and Pipe Distributors, Mysore Road Bangalore-26, are justified in demanding that :

(1) All the workmen should be paid a minimum wages of Rs. 6/- per day.

(2) All the workmen shall be paid irreducible D.A. of Rs. 200/-, Further, this D.A. should be linked with consumer price index number (as applicable in the month of January 1974) at the rate of 1-30 per point of raise or fall.

(3) All the workmen shall be paid 20% of bonus of the total emoluments for the years 1973-74 and 74-75.

(4)(a) All the workmen shall be granted 10 days casual leave, 14 days sick leave and 18 days privilege leave every year ;

(b) All the workmen should be issued 3 sets of uniforms every year ;

(c) All the workmen should be provided $\frac{1}{2}$ a litre of milk with vitamin tablet every day.

5. The benefits of all the demands should be given effect from 20th November 1975.

If so, to what other relief are the said workmen entitled ?"

2. The I Party President filed claim statement on 7th May 1977 contending that, the workmen of the II Party management gave a charter of demands on 26th November 75 and the conciliation proceedings in that regard having failed, the Government referred the dispute to this Court for adjudication on the above points and during its pendency when the I Party president was detained under M.I.S.A. the II Party management without discussing with the Union entered into a so called settlement and it is not a valid settlement and has to be rejected, and the points referred be adjudicated and after disposal of the issue of the alleged settlement the I Party will file a detailed claim statement.

3. The II Party management filed 3 separate counter statements for the 3 concerns, raising similar contentions, viz:, The Charter of demands was again taken up under Sec. 12(3) of the Industrial Disputes Act before the Assistant Labour Commissioner and Conciliation Officer, Bangalore, and after thorough discussion with parties a settlement was arrived at which is binding upto 7th August 1979 and therefore, I Party cannot raise again any question settled by the said agreement under Sec. 12(3) and this Court has no jurisdiction to reopen the settlement. The II Party later filed 4 original settlement deeds.

4. On 5th July 1977 it was ordered that issues in the case are as per points of reference and the case was posted for evidence. Since then the I Party President has remained absent till now. A perusal of the points of reference shows that it is for the I Party to show that the workmen are justified in demanding the various benefits from the II Party, Therefore, the burden initially is on the I Party to justify its demands. Again the I Party itself has referred to a settlement entered into by the Management with the workers and contends that it was without discussion with Union, etc. The 4 settlements show that they were between the workmen represented by the General Secretary of the Union and three other workmen and the Management. They were arrived at before the Assistant Labour Commissioner and Conciliation Officer, Bangalore, after thorough discussion. It is stated therein all the claims pending before the Labour Court, shall be treated as settled and withdrawn, and these settlements are to be in force till 7th August 1979.

5. Under these circumstances, it is primarily for the I Party to show that these settlements were arrived at without any discussion with the Union of the workmen, as alleged. But the I President has not cared to lead any evidence at all in support of his contentions. All the 4 settlements are signed by the Assistant Labour Commissioner and Conciliation Officer, Bangalore, and state that they were arrived at after thorough discussion with both parties. I, therefore, do not see any reason to doubt or discard these settlements. In view of these 4 settlements there is no justification in the demands of the I Party President and the claim as per the claim statement is rejected.

6. In the result, I pass an Award rejecting the Reference. No order as to costs.

Sd/-

M. R. Mujumdar,
Presiding Officer
Labour Court Bangalore